

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ERIC TOLLIVER,

Plaintiff,

- against -

NEW YORK STATE DEPARTMENT OF  
CORRECTIONAL SERVICES et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
EX-17 #:
DAP/EM/AM 9/4/08

ORDER

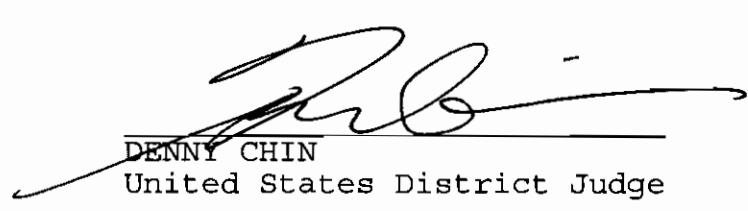
08 Civ. 4561 (DC)

**CHIN, District Judge**

By motion dated August 26, 2008, plaintiff Eric Tolliver requests assignment of counsel. Based on an initial review of the complaint and considering the factors governing appointment of counsel set forth in Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986), the Court determines that plaintiff's position is unlikely to be of substance and therefore his request is denied. See Hendricks v. Coughlin, 114 F.3d 390, 394 (2d Cir. 1997).

SO ORDERED.

Dated: New York, New York  
September 4, 2008



DENNY CHIN  
United States District Judge